

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 5TH DAY OF JANUARY 2024 / 15TH POUSHA, 1945

WP(C) NO. 550 OF 2024

PETITIONER:

FATHIMA AFREENA. K., AGED 17 YEARS, D/O. JAMEELA K,
12TH STANDARD, DHSS NELLIPUZHA, PALAKKAD DISTRICT-678
582, MINOR, REP BY HIS MOTHER AND NATURAL GUARDIAN
JAMEELA K W/O SAIDALAVI AGED 42 YEARS, KAPPOORAN (HO),
THENKARA (PO), PALAKKAD DISTRICT - 678582

BY ADV R.B.BALACHANDRAN

RESPONDENTS:

- 1 STATE OF KERALA, REP. BY PRINCIPAL SECRETARY TO THE
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DEPUTY DIRECTOR OF EDUCATION, PALAKKAD
DDE OFFICE, PALAKKAD PALAKKAD DISTRICT (GENERAL
CONVENER & CHAIRMAN APPEAL COMMITTEE, PALAKKAD REVENUE
DISTRICT SCHOOL KALOLSAVAM 2023-2024), PIN - 680001
- 3 THE ADDITIONAL DIRECTOR OF GENERAL EDUCATION
(GENERAL CONVENER, KERALA STATE SCHOOL KALOLSAVAM 2023-
2024) DIRECTORATE OF GENERAL EDUCATION, JAGATHY,
THIRUVANANTHAPURAM., PIN - 695014

SRI. SUNIL K.KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that she and her team participated in the Revenue District Kerala School Kalolsavam 2023-24 in a particular event, but was adjudged only rank No.3. She affirms that, as per the Manual applicable to the event in question, only the first rank holder would obtain the opportunity of moving to the next level of competition, namely the Kerala State School Kalolsavam 2023-24; and therefore, that she preferred a statutory appeal against the result before the competent Appellate Authority, which, however, has culminated in Ext.P3 order. The petitioner asserts that Ext.P3 is illegal and unlawful because, it cites no reason for the rejection of her appeal.

2. In response to the afore submissions of Sri.R.B.Balachandran – learned counsel for the petitioner, Sri.Sunil Kumar Kuriakose – learned Government Pleader, submitted that Ext.P3 contains specific reasons why the appeal of the petitioner was found to be undeserving; and that this is manifest from its contents. He added that, in any event, it has now been well established, through the judgment of this Court in **Devna Sumesh v. State of Kerala** [2022 KHC OnLine 8081], that once the statutory appeal is rejected, the competence of

this Court to act under Article 226 of the Constitution of India is severely attenuated, since it would involve assessment of factual and other relevant criteria, which cannot be done while acting under writ jurisdiction.

3. I have examined Ext.P3 and I must say that there is force in the afore submissions of Sri.Sunil Kumar Kuriakose.

4. This is because, Ext.P3 luculently records that the technical objections raised by the petitioner for her performance to be affected at the Revenue District Kerala School Kalolsavam, were found not tenable, or not discernible from the video recording. The statutory Appellate Committee could have done nothing more than to have heard the petitioner and to have examined the video recording; and it is in their expertise and wisdom to assess it in the manner as is legally appropriate. When the Committee takes the view that the objections raised by the petitioner are not tenable, it would not be possible to substitute their wisdom, with that of this Court.

In the afore circumstances, this writ petition is dismissed.

Sd/- DEVAN RAMACHANDRAN

JUDGE

stu

APPENDIX OF WP(C) 550/2024

PETITIONER EXHIBITS

Exhibit P1 THE TRUE COPY OF THE PHOTOGRAPH OF THE
 MANAVATTI LAYING DOWN ON THE STAGE

Exhibit P2 THE TRUE COPY OF THE APPEAL

Exhibit P3 THE TRUE COPY OF THE ORDER PASSED BY THE
 2ND RESPONDENT BEARING
 NO:DDEPKD/3593/2023-K2 DATED 19-12-2023